

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

POWER INTEGRATIONS, INC., a  
Delaware corporation,

Plaintiff,

v.

FAIRCHILD SEMICONDUCTOR  
INTERNATIONAL, INC., a Delaware  
corporation, and FAIRCHILD  
SEMICONDUCTOR CORPORATION, a  
Delaware corporation

Defendants.

C.A. No. 04 -1371-JJF

**JURY TRIAL REQUESTED**

**FIRST AMENDED COMPLAINT FOR PATENT INFRINGEMENT**

Plaintiff Power Integrations, Inc. hereby alleges as follows:

**THE PARTIES**

1. Power Integrations, Inc. ("Power Integrations") is incorporated under the laws of the state of Delaware, and has a regular and established place of business at 5245 Hellyer Avenue, San Jose, California, 95138.

2. Upon information and belief, defendant Fairchild Semiconductor International, Inc. is incorporated under the laws of the state of Delaware, with its headquarters located at 82 Running Hill Road, South Portland, Maine, 04106. Upon information and belief, defendant Fairchild Semiconductor Corporation is incorporated under the laws of the state of Delaware, with its headquarters located at 82 Running Hill Road, South Portland, Maine, 04106. (Fairchild Semiconductor International, Inc. and Fairchild Semiconductor Corporation hereinafter collectively "Fairchild Semiconductor.")

**JURISDICTION AND VENUE**

3. This action arises under the patent laws of the United States, Title 35 U.S.C. § 1 *et seq.* This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a).

4. Upon information and belief, this Court has personal jurisdiction over defendants because defendants are incorporated, doing business and advertising in this judicial District.

5. Upon information and belief, venue is proper in this Court pursuant to 28 U.S.C. §§ 1391(b), (c) and 1400 because the defendants are subject to personal jurisdiction in this judicial District.

**GENERAL ALLEGATIONS**

6. Power Integrations' products include its integrated pulse width modulation ("PWM") integrated circuits that are used in power supplies for electronic devices such as cellular telephones, LCD monitors and computers. These products are sold throughout the United States, including Delaware.

7. Upon information and belief, defendants manufacture PWM integrated circuits devices (e.g., devices intended for use in power conversion applications such as LCD monitor power supplies or battery chargers for portable electronics), and directly and through their affiliates, uses, imports, sells, and offers to sell the same throughout the United States, including Delaware.

**FIRST CAUSE OF ACTION**

**INFRINGEMENT OF U.S. PATENT NO. 6,107,851**

8. The allegations of paragraphs 1-7 are incorporated as though fully set forth herein.

9. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 6,107,851, entitled "Offline Converter with Integrated Softstart and Frequency Jitter" ("the '851

patent”), which was duly and legally issued on August 22, 2000. A true and correct copy of the '851 patent is attached hereto as Exhibit A.

10. Upon information and belief, defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the '851 patent by making, using, importing, selling, and offering to sell devices, including PWM integrated circuit devices, and/or inducing or contributing to the importation, use, offer for sale and sale by others of such devices covered by one or more claims of the '851 patent, all to the injury of Power Integrations.

11. Defendants' acts of infringement have injured and damaged Power Integrations.

12. Defendants' infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until defendants are enjoined from further infringement by this Court.

13. Upon information and belief, Defendants' infringement has been, and continues to be, willful so as to warrant enhancement of damages awarded as a result of its infringement.

## **SECOND CAUSE OF ACTION**

### **INFRINGEMENT OF U.S. PATENT NO. 6,249,876**

14. The allegations of paragraphs 1-7 are incorporated as though fully set forth herein.

15. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 6,249,876, entitled “Frequency Jittering Control for Varying the Switching Frequency of a Power Supply” (“the '876 patent”), which was duly and legally issued on June 19, 2001. A true and correct copy of the '876 patent is attached hereto as Exhibit B.

16. Upon information and belief, defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the '876 patent

by making, using, importing, selling, and offering to sell devices, including PWM integrated circuit devices and/or inducing or contributing to the importation, use, offer for sale and sale by others of such devices covered by one or more claims of the '876 patent, all to the injury of Power Integrations.

17. Defendants' acts of infringement have injured and damaged Power Integrations.

18. Defendants' infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until defendants are enjoined from further infringement by this Court.

19. Upon information and belief, Defendants' infringement has been, and continues to be, willful so as to warrant enhancement of damages awarded as a result of its infringement.

### **THIRD CAUSE OF ACTION**

#### **INFRINGEMENT OF U.S. PATENT NO. 6,229,366**

20. The allegations of paragraphs 1-7 are incorporated as though fully set forth herein.

21. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 6,229,366, entitled "Off-Line Converter with Integrated Softstart and Frequency Jitter" ("the '366 patent"), which was duly and legally issued on May 8, 2001. A true and correct copy of the '366 patent is attached hereto as Exhibit C.

22. Upon information and belief, defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the '366 patent by making, using, importing, selling, and offering to sell devices, including PWM integrated circuit devices and/or inducing or contributing to the importation, use, offer for

sale and sale by others of such devices covered by one or more claims of the '366 patent, all to the injury of Power Integrations.

23. Defendants' acts of infringement have injured and damaged Power Integrations.

24. Defendants' infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until defendants are enjoined from further infringement by this Court.

25. Upon information and belief, Defendants' infringement has been, and continues to be, willful so as to warrant enhancement of damages awarded as a result of its infringement.

#### **FOURTH CAUSE OF ACTION**

##### **INFRINGEMENT OF U.S. PATENT NO. 4,811,075**

26. The allegations of paragraphs 1-7 are incorporated as though fully set forth herein.

27. Power Integrations is now, and has been since its issuance, the assignee and sole owner of all right, title, and interest in United States Patent No. 4,811,075, entitled "High Voltage MOS Transistors" ("the '075 patent"), which was duly and legally issued on March 7, 1989. A true and correct copy of the '075 patent is attached hereto as Exhibit D.

28. Upon information and belief, defendants have been and are now infringing, inducing infringement, and contributing to the infringement of the '075 patent by making, using, importing, selling, and offering to sell devices, including PWM integrated circuit devices and/or inducing or contributing to the importation, use, offer for sale and sale by others of such devices covered by one or more claims of the '075 patent, all to the injury of Power Integrations.

29. Defendants' acts of infringement have injured and damaged Power Integrations.

30. Defendants' infringement has caused irreparable injury to Power Integrations and will continue to cause irreparable injury until defendants are enjoined from further infringement by this Court.

31. Upon information and belief, Defendants' infringement has been, and continues to be, willful so as to warrant enhancement of damages awarded as a result of its infringement.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests the following relief:

- (a) judgment against defendants as to willful infringement of the '851 patent;
- (b) judgment against defendants as to willful infringement of the '876 patent;
- (c) judgment against defendants as to willful infringement of the '366 patent;
- (d) judgment against defendants as to willful infringement of the '075 patent;
- (e) a permanent injunction preventing defendants and their officers, directors, agents, servants, employees, attorneys, licensees, successors, assigns, and customers, and those in active concert or participation with any of them, from making, using, importing, offering to sell or selling any devices that infringe any claim of the '851, '876, '366, or '075 patents;
- (f) judgment against defendants for money damages sustained as a result of defendants' infringement of the '851, '876, '366, and '075 patents;
- (g) that any such money judgment be trebled as a result of the willful nature of Defendants' infringement;
- (h) costs and reasonable attorneys' fees incurred in connection with this action pursuant to 35 U.S.C § 285; and
- (i) such other and further relief as this Court finds just and proper.

**JURY DEMAND**

Plaintiff requests trial by jury.

Dated: October 20, 2004

FISH & RICHARDSON P.C.

By: /s/ John F. Horvath

William J. Marsden, Jr. (#2247)  
Sean P. Hayes (#4413)  
John F. Horvath (#4557)  
919 N. Market Street, Suite 1100  
P.O. Box 1114  
Wilmington, DE 19801  
Telephone: (302) 652-5070  
Facsimile: (302) 652-0607

Frank E. Scherkenbach  
225 Franklin Street  
Boston, MA 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

Michael Kane  
60 South Sixth Street  
3300 Dain Rauscher Plaza  
Minneapolis, MN 55402  
Telephone: (612) 335-5070  
Facsimile: (612) 288-9696

Howard G. Pollack  
Gina M. Steele  
Michael R. Headley  
500 Arguello Street, Suite 500  
Redwood City, CA 94063  
Telephone: (650) 839-5070  
Facsimile: (650) 839-5071

Attorneys for Plaintiff  
POWER INTEGRATIONS, INC.